



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/760,031	01/12/2001	Robert H. Halstead JR.	2682.1014-004	1846

21005 7590 10/07/2004

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD, MA 01742-9133

EXAMINER

KANG, INSUN

ART UNIT PAPER NUMBER

2124

DATE MAILED: 10/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

1. This action is in response to the amendment filed 6/24/2004.
2. Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application.
3. The applicant requests to delete the portion of the background section where the examiner used as a reference applied to the independent claims as the Applicant's admitted prior art. The background section of the application states:

In typical data processing systems, a compiler reads source code and creates the object code which is ultimately processed. Typically, the compiler creates a data structure which will support property values which are defined later in the source code or during run time. In an object oriented system, the compiler may create a class and a mechanism for creating instances of that class with defined fields of preallocated memory space into which the values are stored. An alternative data structure which has, for example, been supported in the [incr Tk] language allows values to be stored in strings or arrays as options associated with an instance object. **Using that data structure, memory space is only used for those properties which are given values since the space for those values is not preallocated. Rather, the space is only allocated when a value is optionally added to a list of values associated with the instance object (page 1 of the background section).**

The applicant requests to delete the highlighted portion of the background section applied as an Applicant's admitted prior art for the independent claims because this portion is considered to be a "drafting error." The examiner points out that this portion does not appear to be a simple "drafting error" in the context of the background section. The applicant appears to distinguish two different data structures: one that preallocates memory space and the "alternative data structure." That being said, would this "alternative data structure" **also preallocate** memory space, according to the reversal of the applicant stating this portion is an error? The applicant explains that the "alternative data structure which has, for example, been supported in the [incr Tk]

Art Unit: 2124

language allows values to be stored in strings or arrays as options associated with an instance object. This portion appears to indicate that the values stored in strings or arrays as options associated with an instance object are not preallocated. Accordingly, it is unclear whether this portion needs to be deleted as well as the portion, which has been requested to be deleted, and which further explains the "alternative data structure" that does not preallocate memory space. Based on the contradictory statements above, one ordinary skill in the art would not be able to determine what the "alternative data structure" does/is and what the statement, "strings or arrays **as options** associated with an instance object," notes. Therefore, in response to the Applicant's attempt to reverse the Applicant's admission in the background section, the examiner requests for explanation for "strings or arrays **as options** associated with an instance object" and the prior art(s) that support(s) the applicant's reversal at the time of the invention was made.

4. In response to this requirement, please provide the title, citation and copy of each publication that is a source used for the description of the prior art in the disclosure. For each publication, please provide a concise explanation of that publication's contribution to the description of the prior art.

5. In responding to those requirements that require copies of documents, where the document is a bound text or a single article over 50 pages, the requirement may be met by providing copies of those pages that provide the particular subject matter indicated in

the requirement, or where such subject matter is not indicated, the subject matter found in applicant's disclosure.

6. The fee and certification requirements of 37 CFR 1.97 are waived for those documents submitted in reply to this requirement. This waiver extends only to those documents within the scope of the requirement under 37 CFR 1.105 that are included in the applicant's first complete communication responding to this requirement. Any supplemental replies subsequent to the first communication responding to this requirement and any information disclosures beyond the scope of this requirement under 37 CFR 1.105 are subject to the fee and certification requirements of 37 CFR 1.97 where appropriate.

7. The applicant is reminded that the reply to this requirement must be made with candor and good faith under 37 CFR 1.56. Where the applicant does not have or cannot readily obtain an item of required information, a statement that the item is unknown or cannot be readily obtained will be accepted as a complete reply to the requirement for that item.

8. This requirement is subject to the provisions of 37 CFR 1.134, 1.135 and 1.136 and has a shortened statutory period of [1] months. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

9. This Office action has an attached requirement for information under 37 CFR 1.105. A complete reply to this Office action must include a complete reply to the

Art Unit: 2124


attached requirement for information. The time period for reply to the attached requirement coincides with the time period for reply to this Office action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Insun Kang whose telephone number is 703-305-6465. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on 703-305-9662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

IK
9/30/2004


JOHN CHAVIS
PATENT EXAMINER
ART UNIT 2124